

NOT FOR PUBLICATION

(Doc. Nos. 13, 15)

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY
CAMDEN VICINAGE**

NICHOLAS M. MASINO, JR.

Plaintiff,

v.

SANDRA B. HAYES, et al.,

Defendants.

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Civil No. 11-06690 (RBK/KMW)

ORDER

THIS MATTER having come before the Court on the motion of Nicholas M. Masino, Jr. (“Plaintiff”) for default judgment against Michael A. Diaz (“Defendant”), pursuant to Federal Rule of Civil Procedure 55(b), and Defendant’s cross-motion to set aside the default, pursuant to Federal Rule of Civil Procedure 55(c), and the Court having considered the moving papers and attached documents; and for the reasons expressed in the Opinion issued this date;

IT IS HEREBY ORDERED that Defendants’ motion to set aside the default is **GRANTED**.

IT IS FURTHER ORDERED that Plaintiff’s motion for default judgment is **DENIED**.

Dated: 12/5/12

/s/ Robert B. Kugler
ROBERT B. KUGLER
United States District Judge